



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during December 2012
DISTRIBUTED: January 24, 2013

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Air:

Eco Maine d/b/a ecomaine, Portland, Maine. A 2011 administrative consent agreement with Eco Maine d/b/a ecomaine was amended to replace a prior supplemental environmental project ("SEP") with a revised SEP. The revised SEP allocates a portion of the prior SEP's funding for an enhanced thermostat recycling program to a SEP concerning the "characterization of flue gas for hydrocarbons." The characterization of flue gas for hydrocarbons SEP provides funding to undergo a stack test at the ecomaine facility to provide air emission information on the combustion of prescription drugs.

Land:

Eric MacLeod, Wells, Maine. Eric MacLeod ("MacLeod") violated Maine's *Natural Resources Protection Act* by placing fill, or causing fill material to be placed, and removing vegetation, or causing vegetation to be removed, in a freshwater wetland without first obtaining a permit from the Department. Specifically, vegetation was removed and fill material, namely landscaping debris, was placed in a forested wetland on property owned by MacLeod, altering approximately 6,000 square feet of wetland. Following Department involvement, MacLeod restored the wetland to the satisfaction of the Department. To resolve the violation, MacLeod agreed to replace any trees in the restored wetland that have died or that are in significant decline in August 2013. In addition, MacLeod agreed to pay \$900 as a civil monetary penalty, according to a payment schedule.

Water:

Eastern Maine Mussel Corporation, Hancock, Maine. Eastern Maine Mussel Corporation ("EMM") violated Maine's *Protection and Improvement of Waters* law by discharging pollutants without first obtaining a license from the Department. Specifically, EMM discharged wastewater containing effluent, rock, sand, dirt, and wastes such as mussel shells and other mussel parts from its processing facility to Taunton Bay without a license from the Department. Following Department involvement, EMM applied for, and was granted, a wastewater discharge license for the discharge of mussel processing wastewater. EMM violated conditions of its waste discharge license by: not monitoring oil and grease in the effluent during August 2009, October 2009, and July 2010; not monitoring total suspended solids in the effluent during August 2009, October 2009, and July 2010; and submitting monthly discharge monitoring reports late eleven times between July 2010 and September 2011. To resolve the violations, EMM agreed to extend the facility's outfall pipe into the receiving waters and install and continuously maintain erosion and sedimentation controls before conducting the outfall extension until all disturbed areas are permanently stabilized. In addition, EMM agreed to pay \$2,500 as a civil monetary penalty, according to a payment schedule.

Northport Village Corp., Northport, Maine. A 2003 administrative consent agreement with Northport Village Corp. ("Northport") was amended to eliminate from the 2003 agreement provisions that required Northport to: submit semi-annual progress reports stating efforts to secure funding for the construction of a new wastewater treatment facility; commence design of a new wastewater treatment facility; secure approval from the residents of Northport to finance a new wastewater treatment facility; submit for Department review and approval design



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documents for a new wastewater treatment facility; subject to the availability of project funding, award bids for the construction of a new wastewater treatment facility; and subject to the availability of project funding, complete construction of a new wastewater treatment facility. It was the Department's intent in 2003 to have Northport provide secondary treatment for its wastewater and to use the 2003 agreement to achieve this goal. However, there is no requirement, other than the 2003 agreement, for Northport to provide secondary treatment because Northport has a federal waiver from meeting secondary treatment standards. Northport has taken numerous corrective actions to repair the existing facility but continues to provide only primary treatment for wastewater. As of the date of the amendment, Northport had submitted all required progress reports since the 2003 agreement, but has not secured the needed funding for a secondary wastewater treatment facility. The amendment also eliminated a provision making the funding, design, and completion of a new wastewater treatment facility contingencies for suspended penalties provided for in the original agreement to take effect.

District Court Enforcement Resolutions (party followed by location):

Oil:

Patrick J. Hannon, Acton, Maine. In a complaint filed by the Department, the Department alleged that Patrick J. Hannon ("Hannon") violated Maine's *Oil Storage Facilities and Ground Water Protection* laws and the Department's *Rules for Underground Oil Storage Facilities* by: failing to submit passing 2008, 2009, 2010, and 2011 annual compliance inspections for an underground oil storage facility owned and operated by Hannon; and by failing to properly abandon two out-of-service tanks at the subject underground oil storage facility. Upon Hannon's failure to appear to answer the Department's complaint, the district court entered a Default Judgment requiring Hannon to properly abandon the subject underground oil storage facility within sixty days of the court's order. The court further ordered that Hannon grant the Department access to the underground oil storage facility for the purpose of properly abandoning the underground oil storage facility, and reimburse the Department for its costs to undertake the abandonment, if the underground oil storage facility is not properly abandoned by Hannon within sixty days of the court's order.